

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>BOBBY WYNN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:12-CV-323(MTT)</b>
	)	
<b>Nurse PAT JOHNSON, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
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**ORDER**

This matter is before the Court on the Recommendation of United States Magistrate Judge Charles H. Weigle. (Doc. 18). After screening the complaint pursuant to 28 U.S.C. § 1915A, the Magistrate Judge recommends dismissing Defendant Annie Fair because the Plaintiff's sole allegation against her – that she failed to retrieve the Plaintiff's eye drops from Walgreens – does not state a claim for deliberate indifference. Further, the Magistrate Judge recommends dismissing Defendants Heather Simms and Dr. McCard because the Plaintiff has at most stated claims for malpractice or negligence against them but not claims for deliberate indifference.<sup>1</sup> The Plaintiff did not file an objection to the Recommendation.

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<sup>1</sup> The Magistrate Judge also directed the Clerk's Office to remove Defendants Correcthealth Bibb LLC and its employees, John and/or Jane Does, and River Edge Behavioral Health Center as parties in this action because the Plaintiff did not mention these Defendants in his amended complaint. The Plaintiff did state in his amended complaint that he "hold[s] the entity of Correct Health Bibb LLC et al. responsible for all mentioned within and above." (Doc. 13-1 at 3). However, the Plaintiff does not provide any bases for holding these Defendants liable, and liability under Section 1983 may not be premised on the doctrine of respondeat superior. See *Craig v. Floyd Cnty., Ga.*, 643 F.3d 1306, 1310 (11th Cir. 2011) (finding that

The Court has reviewed the Recommendation, and the Recommendation is adopted and made the order of this Court. Defendants Annie Fair, Heather Simms, and Dr. McCard are **DISMISSED**. The claims against the remaining Defendants shall proceed.

**SO ORDERED**, this the 10th day of July, 2013.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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the liability of a private entity contracting with a county to provide medical services to inmates must rest on the doctrine of municipal liability instead).